

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ORLANDO LEWAYNE PILCHER,

Plaintiff,

v.

CAROLYN K. DELANEY,

Defendant.

No. 2:20-cv-01873-TLN-KJN

**ORDER**

Plaintiff Orlando Lewayne Pilcher (“Plaintiff”) is a state prisoner, proceeding *pro se*, with a civil rights action pursuant to 42 U.S.C. § 1983. On October 27, 2020, the Court dismissed this action and judgment was entered. (ECF Nos. 10, 11.) Plaintiff appealed the judgment to the Ninth Circuit Court of Appeals. (ECF No. 13.)

On November 13, 2020, the Ninth Circuit referred the matter to this Court for the limited purpose of determining whether Plaintiff’s *in forma pauperis* status should continue on appeal or whether the appeal is frivolous or taken in bad faith. *See* 28 U.S.C. § 1915(a)(3); *see also Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of *in forma pauperis* status is appropriate where the district court finds the appeal to be frivolous). (ECF No. 16.)

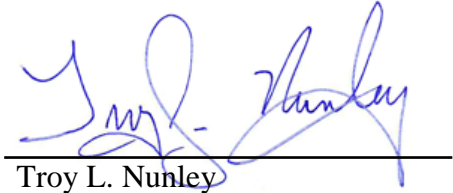
For the reasons stated in the September 23, 2020 Findings and Recommendations, the Court finds that Plaintiff’s appeal is frivolous. (*See* ECF No. 5.) For this reason, Plaintiff’s *in forma pauperis* status on appeal should be revoked.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff's *in forma pauperis* status on appeal is hereby REVOKED; and
2. The Clerk of the Court is directed to serve this order on the Ninth Circuit Court of Appeals.

IT IS SO ORDERED.

DATED: November 20, 2020



Troy L. Nunley  
United States District Judge